

Before the  
**Federal Communications Commission**  
 Washington, D.C. 20554

In the Matter of

) MM Docket No. 93-136

Amendment of Section 73.202(b),  
 Table of Allotments,  
 FM Broadcast Stations,  
 Key Colony Beach, Key Largo and  
 Marathon, Florida

) RM-8161

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TO: Chief, Allocations Branch

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

**REQUEST FOR APPROVAL OF  
 WITHDRAWAL OF COUNTERPROPOSAL**

Naples Broadcasting Corporation ("NBC"), by its attorneys, and pursuant to Title 47 C.F.R. §1.420 of the Rules, hereby respectfully requests the Commission for approval of the withdrawal of its "Comments and Counterproposal" filed July 26, 1993, in this proceeding.

NBC is the licensee of WGUF(FM), Marco, Florida. NBC was contacted by a broadcast consultant and informed that there existed an opportunity to file a counterproposal in MM Docket No. 93-136 looking toward the allotment of FM Channel 284C2 at Marco, Florida, and the modification of the license of WGUF to operate on that channel, provided the counterproposal was filed in the docket by 5:30 p.m. on July 26, 1993. The broadcast consultant prepared the counterproposal and the supporting engineering data and sent it by facsimile to undersigned counsel who first saw the document at 5:10 p.m. on July 26, 1993. Counsel, therefore, had time only to quickly read the counterproposal, make the determinations called for by Title 47 C.F.R. §1.52, prepare

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a transmittal letter and certificate of service, and cause the counterproposal to be filed shortly before 5:30 p.m.

On July 27, 1993, the broadcast consultant called counsel to inform him that the engineering information had been prepared in error. NBC's president consulted with its legal and regular engineering counsel and determined that NBC should immediately seek to withdraw the counterproposal.

A facsimile of a declaration signed by NBC's vice president is submitted herewith which meets the requirements of Title 47 C.F.R. §1.420(j), and demonstrates that NBC is not receiving money or other consideration for the withdrawal of the counterproposal. The original will be submitted as a supplement to this request upon receipt by counsel.

WHEREFORE, NBC respectfully requests the Commission to approve the withdrawal of its "Comments and Counterproposal" in MM Docket No. 93-136.

Respectfully submitted,

**NAPLES BROADCASTING CORPORATION**

**DECLARATION**

Marshall W. Rowland, Jr., under penalty of perjury, declares as follows:

1. I am Vice President of Naples Broadcasting Corporation ("NBC"), licensee of WGUF(FM), Marco, Florida.

2. On July 26, 1993, on extremely short notice, NBC authorized its counsel to file a counterproposal in MM Docket No. 93-136 seeking allotment of FM Channel 284C2 to Marco, Florida, and the modification of the license of WGUF for operation on that channel.

3. On July 28, 1993, after consulting with legal and engineering counsel, NBC determined that NBC should withdraw the counterproposal.

4. Pursuant to Title 47 C.F.R. §1.420(j), I certify that neither NBC, nor its principals, has received or will receive any money or other consideration in exchange for the dismissal or withdrawal of its expression of interest and its counterproposal.

Executed this 28<sup>th</sup> day of July, 1993.

By: 

Marshall W. Rowland, Jr.  
Vice President  
NAPLES BROADCASTING CORPORATION

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 28th day of July, 1993, copies of the foregoing were mailed, postage prepaid, to the following:

Ms. Nancy J. Walls\*  
Federal Communications Commission  
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Patricia A. Neil

\*hand delivery